

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICOLAS IBARRA,
Plaintiff,

v.

KILOLO KIJAKAZI, et al.,
Defendants.

Case No. [23-cv-01037-SI](#)

**ORDER RE: PRODUCTION OF
DOCUMENTS**

On October 18, 2023, the Court issued an order granting in part and denying in part defendant's motion to dismiss the third amended complaint. Dkt. No. 42. The Court also ordered defendant to produce: (1) the administrative record related to the appeal of the November 2, 2021 ALJ decision; and (2) any written communications between plaintiff and the Social Security Administration stemming from plaintiff's September 14, 2022 letter requesting reasonable accommodations. The parties do not dispute that defendant made production by the required deadline. However, plaintiff states that the production was deficient because defendant did not also produce the administrative record related to the prior ALJ decision (dated January 10, 2020), in which plaintiff was found eligible for disability benefits.

On November 17, 2023, the Court conducted a case management conference and ordered defendant to file an explanation of what it would take to produce the prior administrative record for plaintiff. Dkt. No. 49. Defendant has since filed the requested statement, and plaintiff has filed a response. Dkt. Nos. 53, 54.

The Court has reviewed the parties' statements. Defendant states that production of the prior administrative record—which the government never formally compiled because that decision was not appealed—would be burdensome and would displace resources the agency would spend on


1 preparing administrative records for other pending Social Security appeals. From plaintiff's filings
2 and statements at the case management conference, it seems that what plaintiff seeks are his own
3 medical records, in order to prove his need for the reasonable accommodations he has requested in
4 this case.

5 The Court will order that the records defendant identifies at Dkt. No. 53 at 3, be produced
6 **no later than January 3, 2024**; that is: electronic versions of "the documents marked for
7 identification as exhibits, which include the evidence on which the ALJ relied and cited in her
8 January 10, 2020 decision" as well as "an audio recording of the hearing" related to the January 10,
9 2020 decision.

10 The Court advises the parties that fact discovery is open in this case. Plaintiff may seek
11 additional relevant documents through the discovery process.

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13 **IT IS SO ORDERED.**

14 Dated: December 5, 2023

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16 SUSAN ILLSTON
17 United States District Judge
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